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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,257	01/16/2002	Mutsumi Matsumoto	1341.1118	3568
21171	7590	12/05/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			GART, MATTHEW S	
		ART UNIT	PAPER NUMBER	
			3625	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/046,257	MATSUMOTO, MUTSUMI
Examiner	Art Unit	
Matthew S. Gart	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 June 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4 and 7-14 is/are pending in the application.  
4a) Of the above claim(s) 14 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 and 7-13 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 10 January 2005 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

### ***Prosecution History Summary***

Claims 1-4 and 7-14 are pending in the instant application. Claims 1, 2, 7-10 and 13 were amended via the applicant's response filed on 6/22/2005. Claim 14 was added via the applicant's response filed on 6/22/2005. Claim 14 was withdrawn by the examiner pursuant to 37 CFR 1.142(b).

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/2005 has been entered.

### ***Election/Restrictions***

Newly submitted claim 14 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Independent claim 14 is directed towards a registered user, wherein delivery instructions are forwarded from the user to a receiver. None of the previously submitted claims require a user to be formally registered. Because these inventions are distinct for the reasons

given above and the search required for claim 14 is not required for the originally submitted claims, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 14 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4 and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Moreno (Patent Application Publication No. 2002/0035515 A1).**

Referring to claim 1. Moreno discloses a method of managing delivery goods when directly delivering goods from a deliverer to a recipient comprising:

- Receiving identification information for delivery goods entered by a deliverer when a recipient of the delivery goods is absent (Moreno: paragraph 0051 through 0054);
- Extracting delivery goods information and recipient information relevant to the delivery goods identification information from a storage unit which stores the delivery goods information and the recipient information corresponding to the delivery goods information (Moreno: paragraph 0052); and
- Notifying said recipient of the delivery goods information based on the recipient information (Moreno: paragraph 0054), wherein the delivery goods information includes a message requesting the recipient to confirm as to whether the

recipient approves or rejects delivery of the goods by the deliverer (Moreno: Figure 6D, "Refuse to Sign").

Referring to claim 2. Moreno further discloses a method of managing delivery goods when directly delivering goods from a deliverer to a recipient comprising:

- Receiving information for a request to confirm reception of delivery goods entered by a deliverer when a recipient of the delivery goods is absent (Moreno: Figures 6C, 6D and 6E), wherein the information includes a message requesting the recipient to confirm as to whether the recipient approves or rejects delivery of the goods by the deliverer (Moreno: Figure 6D, "Refuse to Sign");
- Extracting recipient information from a storage unit which stores the recipient information corresponding to the information for the delivery goods reception confirmation request (Moreno: Figures 6C, 6D and 6E); and
- Notifying said recipient of the confirmation request information based on the recipient information (Moreno: Figures 6C, 6D and 6E).

Referring to claim 3. Moreno further discloses a method of managing delivery goods, comprising:

- Further storing information for a deliverer corresponding to the delivery goods information in said storage unit and receiving the delivery goods identification information and reception approval/refusal information entered by said recipient (Figure 6C, 6D and 6E);
- Extracting the deliverer information relevant to the delivery goods identification information from said storage unit, and notifying said deliverer of the reception

approval/refusal information based on the deliverer information (Figure 6C, 6D and 6E).

Referring to claim 4. Moreno further discloses a method of managing delivery goods, comprising:

- Further storing information for a client corresponding to the delivery goods information in said storage unit, and extracting the delivery goods information and client information relevant to the delivery goods identification from said storage unit (Moreno: paragraph 0052); and
- Notifying said client of the reception approval/refusal information based on the client information (Moreno: Figure 5J).

Referring to claim 7. Claim 7 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claims 10-12. Claims 10-12 are rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 13. Moreno discloses a method in a data processing system for managing the delivery of an item to a receiver comprising:

- Determining that delivery attempted to deliver an item to a receiver (paragraph 0095);

- Determining that the deliverer did not deliver the item because the deliverer could not get approval from the receiver (paragraph 0095);
- Notifying the receiver of the delivery attempt (paragraph 0095); and
- Determining whether the receiver approves or rejects delivery (paragraph 0095).

***Response to Arguments***

Applicant's arguments filed 6/22/2005 have been fully considered but they are not persuasive.

The applicants argue that Moreno does not teach details regarding delivery goods from a deliverer to the storage locker.

The Examiner notes, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., storage locker) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicants argue that Moreno does not teach details regarding goods that are delivered from a deliverer to a location associated with the recipient of the goods.

The Examiner notes, Moreno does disclose a system that facilitates the secure storage and subsequent transfer of goods from a first entity (e.g., a vendor) to a second entity (e.g., a customer). Moreno defines a "customer" or "consumer" to include any person or entity to which a transfer of goods is to be accomplished via the present invention. As such, a commercial entity receiving goods from another commercial entity via the system may be considered to be a "consumer". Similarly, Moreno defines the term "vendor" to include any person or entity from whom a transfer of goods is to be

accomplished via the present invention (Moreno: paragraph 0018). Moreno explicitly discloses a system and a process for securing goods delivered to and/or retrieved from a secure storage unit (Moreno: abstract), whereby the storage unit is associated with the recipient of the goods. This process of goods being delivered from a deliverer to a location associated with the recipient of the goods is clearly disclosed by Moreno in the flow chart illustrated in Fig. 3 of Moreno.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG  
Patent Examiner  
11/17/2005